

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

BRANDY ANN NEILL,
ADC #712275

PLAINTIFF

v. NO. 3:14CV00011 JLH/JTR

C.W. KNAUTS, *et al.*

DEFENDANTS

OPINION AND ORDER

Brandy Ann Neill is a prisoner in the Greene County Detention Center. She has filed a *pro se* substituted complaint (Doc. No. 5) alleging that defendants violated her constitutional rights, as protected by 42 U.S.C. § 1983, while she was in the Clay County jail.

The Prison Litigation Reform Act requires federal courts to screen complaints filed by prisoners. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or a portion thereof if the prisoner has raised claims that are legally frivolous or malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b).

Neill alleges that public defender C.W. Knauts asked her for sexual favors while he was representing her in state criminal proceedings. According to Neill, Sheriff McClung punished her for refusing Knauts's sexual advances by intentionally shackling her legs too tightly and hitting her in the nose. The Court concludes, for screening purposes only, that Neill has stated plausible excessive force and civil conspiracy claims against McClung and Knauts. Thus, they will be served.

Neill's substituted complaint does not include any factual or legal allegations against Shane Neill or Robin Nagy, who were named as defendants in her original compliant (Doc. No. 2). Thus, they will be dismissed without prejudice from this lawsuit.

IT IS THEREFORE ORDERED THAT, pursuant to 28 U.S.C. § 1915A, Neill's claims against Neill and Nagy are dismissed without prejudice. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith. The Clerk is directed to prepare a summons for McClung and Knauts, and the U.S. Marshal is directed to serve the summons, substituted complaint, and this Opinion and Order on them without prepayment of fees and costs or security therefor.

DATED this 20th day of February, 2014.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE